IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3478/2002

M/s KUNDAN LAL BENI PRASAD
Vs.
DIRECTOR, AGRICULTURE MARKETING BOARD, JAIPUR & ORS.

DATE: 29.11.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. M.M. Ranjan for the petitioner.
Mr. Inderjeet Singh for the respondents.

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The short controversy involved in this writ petition is that the license of the petitioner has been suspended vide impugned order dated 06.09.2000 exercising power under section 27(B) of the Rajasthan Agriculture Produce Markets Act, 1961 (for short' the Act of 1961') as the petitioner created hindrance in the official duty while conducting inspection of the shop/go-down belonging to the petitioner. The Secretary, Krishi Upaj Mandi Samiti, Nagar, District Bharatpur while suspending the license of the petitioner vide impugned order dated 06.09.2000 for a period of six months, given liberty to the petitioner that he can file an appeal before the Director under Section 16 of the Act of 1961.

The petitioner filed an appeal against the impugned order dated 06.09.2000 passed by the Secretary, Krishi Upaj Mandi Samiti, Nagar and the Appellate Authority vide order dated 18.09.2000, stayed the operation of the order dated 06.09.2000 and upon hearing the appeal, the Appellate Authority i.e. the Director observed that since period of six months has already been completed, therefore, the appeal has become infructuous and thus, dismissed the same vide impugned order dated 04.06.2001.

The said order of dismissal of appeal dated 04.06.2001 passed by the Appellate Authority has wrongly been interpreted by the Secretary and again the order of revival of suspension was passed vide order impugned dated 22.05.2002, which is per se illegal as the Appellate Authority was not of intention to dismiss the appeal on merits but the same was dismissed as the period of six months had already elapsed and the impugned order passed by the Secretary was not given effect due to interim order passed by the Appellate Authority. Therefore, the impugned order dated 22.05.2002 passed by the Secretary, Krishi Upaj Mandi Samiti, Nagar, District Bharatpur is per se illegal and deserves to be quashed and set-aside.

Consequently, the writ petition stands allowed and the impugned order dated 22.05.2002 passed by the Secretary, Krishi Upaj Mandi Samiti, Nagar, District Bharatpur is herewith quashed and set aside.

The stay application stands disposed of.

(K.S. RATHORE),J.

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